

Notice of Allowability

Application No.

10/569,004

Applicant(s)

THIEL ET AL.

Examiner

Thong Q. Nguyen

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 8/20/07 and the telephonic interview of 8/22/07.
2. ☒ The allowed claim(s) is/are 14-20, 23 and 24 which are renumbered as claims 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/22/07</u> |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>8/22/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 8/20/2007. It is noted that in the amendment, applicant has made changes to the specification, the drawings and the claims. Regarding to the claims, applicant has canceled claims 21 and 22 and amended claims 23 and 24. There is not any claim being added. The pending claims 14-20 and 23-24 are examined in this Office action. Note that claims 1-13 were canceled in the pre-amendment of 2/21/2006.

Oath/Declaration

2. Regarding to the objection to the oath/declaration made in the previous Office action, applicant's arguments as provided in the amendment of 8/20/07, page 6, have been fully considered. After review the oath/Declaration with his supervisor, the objection to the Oath/Declaration is now withdrawn.

Drawings

3. The replacement sheets contained four sheets of figures 1-4, 5a-c and 6-7 were received on 8/20/07. These drawings are approved by the examiner.

4. The objections to the drawings as set forth in the previous Office action are overcome by the amendments to the figures as provided in the amendment of 8/20/07.

Specification

5. The lengthy specification which was amended by the amendment of 8/20/07 has not been checked to the extent necessary to determine the presence of all possible

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minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The objection to the specification as set forth in the previous office action is overcome by the amendments to the specification as provided in the amendment of 8/20/07.

EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David J. Simonelli on 8/22/07.

8. The application has been amended as follows:

In the claims:

- a) In claim 14: on line 10, changed "the light" to --the ambient light--;
- b) in claim 23: on line 1, changed "(Original)" to --(Currently Amended)--; and
- c) in claim 24: on line 1, changed "(Original)" to --(Currently Amended)--.

Allowable Subject Matter

9. Claims 14-20, 23 and 24 are allowed.

10. The following is an examiner's statement of reasons for allowance:

The rearview mirror as recited in the independent claim 14 is patentable with respect to the prior art, in particular, the Pub. Nos. 2003/0043589 and 2002/0171954; the U.S. Patent Nos. 5,148,014 and 6,359,274 and the EP 705 734 by the limitations related to the sensor having light guide disposed between a housing and the sensor for guiding ambient light and glare light outside the housing to the sensor and a switching device for periodically disrupting the transmission of ambient light to identify a presence of the glare light so that the sensor creates a dimming signal upon the identification of the presence of the glare light to dim the electrochromic mirror. It is noted that a) the use of a sensor having light guide disposed between a housing and the sensor for guiding ambient light and glare light outside the housing to the sensor is disclosed in the Pub. No. 2003/0043589; 2) the use of a filter in front of an ambient sensor for attenuating the light is disclosed in the mentioned EP reference, or after an ambient sensor for attenuating the ambient light level signal is disclosed in the Pub. No. 2002/0171954; and 3) a switching system for controlling the reflectance of an mirror based on the signals from an ambient and a glare sensors is disclosed in the U.S. Patent Nos. 5,148,014 and 6,359,274; however, the cited art by itself or in combination does not disclose a mirror system having the following features: First, a sensor for sensing ambient light and glare light; second, a light guide disposed between a housing and the sensor for directing ambient light and glare light to the sensor; and third, a switching device for periodically disrupting the transmission of ambient light to identify a

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presence of the glare light such that the sensor creates a dimming signal upon the identification of the presence of the glare light to dim the mirror as claimed in present independent claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

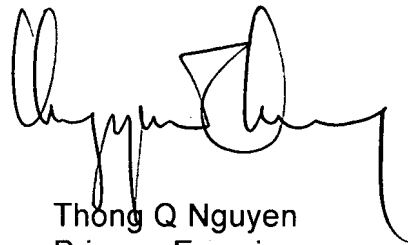
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference labeled as EP 705 734 has been lined-through because it has been considered and cited in the form PTO-892 which a copy was mailed to applicant with the Office action of 6/20/07. applicant should note that duplicate citation of references need to be lined-through to prevent any reference from being printed twice on the face of the patent should this application pass to issue.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thong Q Nguyen', with a stylized flourish at the end.

Thong Q Nguyen
Primary Examiner
Art Unit 2872

*For by approval
8/22/06*

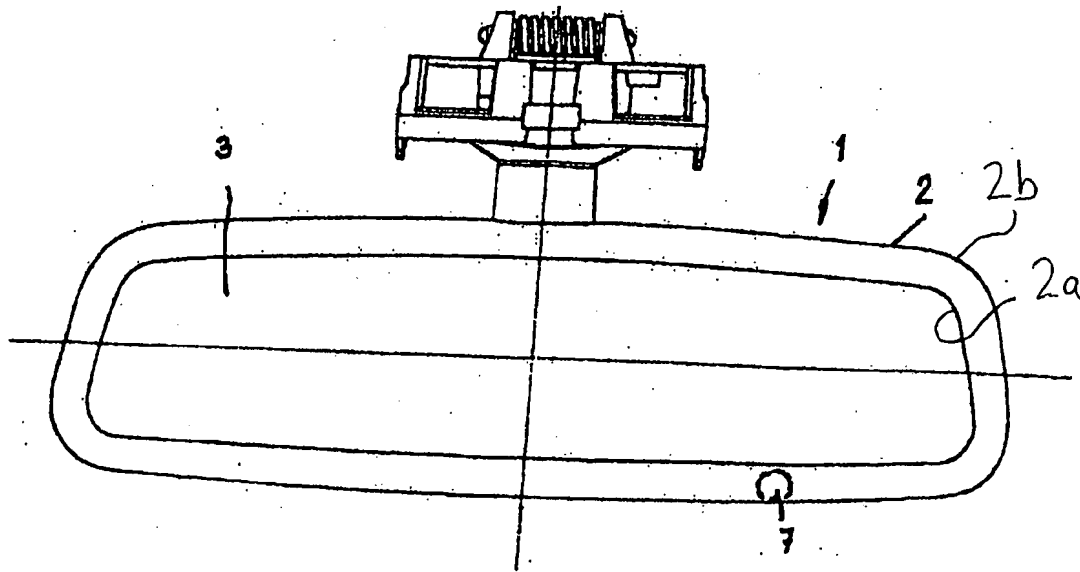


Fig. 1

Enby signed
8/22/00

Fig. 2

Fig. 3

*Exhibits
 8/22/08*

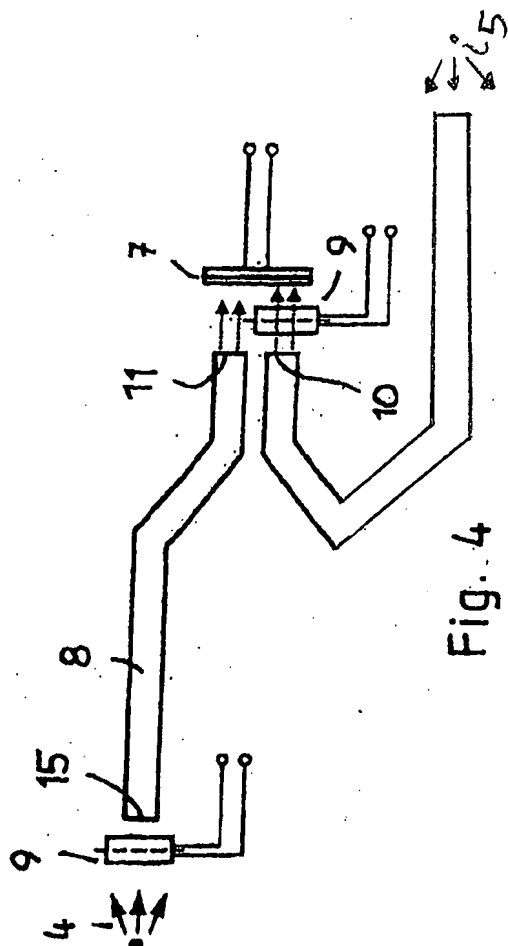


Fig. 4

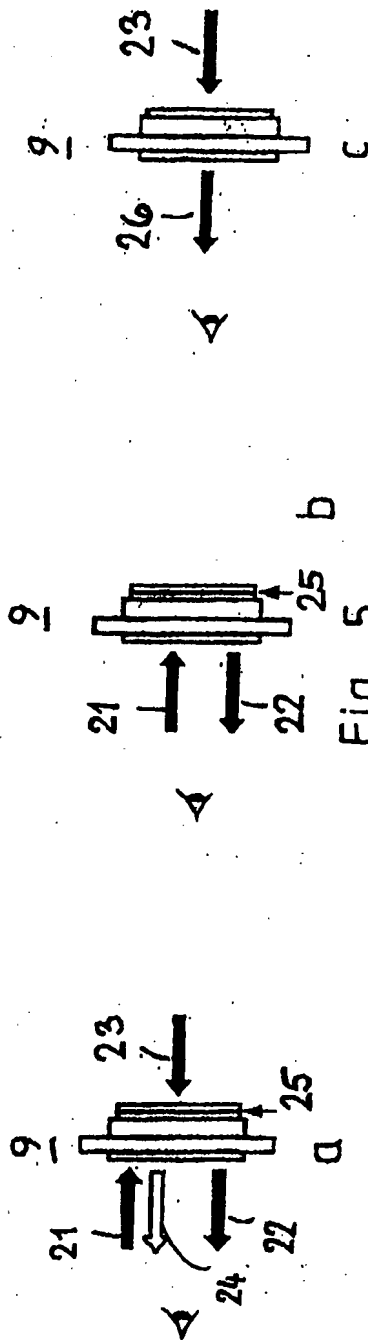


Fig. 5

Exh. 1
8/22/07

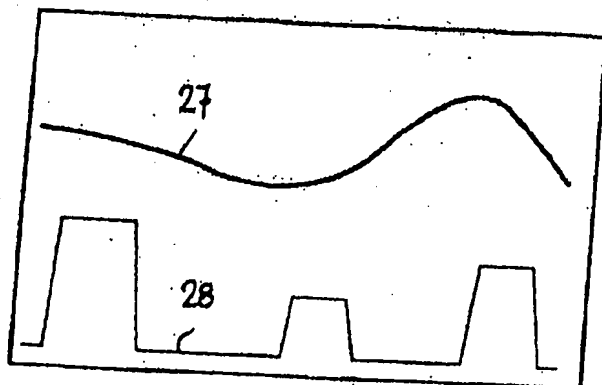


Fig. 6

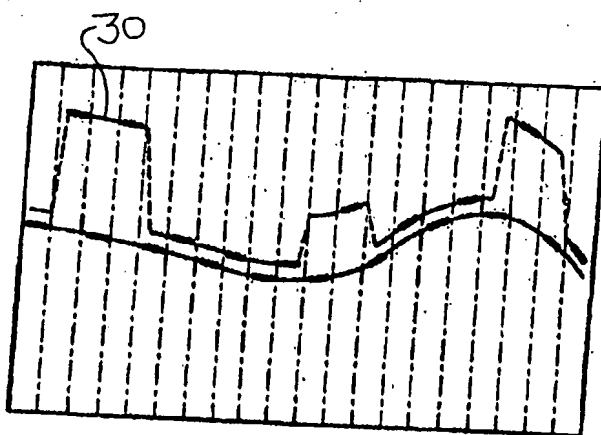


Fig. 7